

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

**HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,**

Plaintiff,

vs.

**BEST MIRACLE CORPORATION,
THUY THI LE, and TOAN VAN
NGUYEN,**

Defendants.

Case No.: SACV 08-00998-CJC(MLGx)

**AMENDED PERMANENT
INJUNCTION**

1 **IT IS HEREBY ORDERED** that Defendants Best Miracle Corporation, Thuy Thi Le,
2 and Toan Van Nguyen (collectively “Defendants”), their officers, agents, servants,
3 employees, and all persons in active concert or participation with them, are permanently
4 enjoined from violating the Fair Labor Standards Act (the “FLSA”), 29 U.S.C. §§ 201-
5 219, in any of the following manners:

6
7 1. Defendants, jointly and severally, shall not continue to withhold the payment
8 of \$186,559.83, which represents the unpaid overtime compensation plus prejudgment
9 interest hereby found to be due to the former employees of Defendants for the period of
10 September 5, 2005, through August 17, 2007. This amount consists of \$172,832.50 in
11 unpaid overtime wages plus \$23,119.93 of prejudgment interest computed at 4.44% per
12 annum (which reflects the 28 U.S.C. § 1961 rate in effect on August 17, 2007) from
13 August 17, 2007, to July 8, 2010. The total amount of \$195,952.43 is reduced by the
14 \$9,392.60 previously posted by Byer California Inc.

15
16 2. Defendants shall not, contrary to Sections 7 and 15(a)(2) of the FLSA, 29 U.S.C.
17 §§ 217 and 215(a)(2), employ any of their employees who in any workweek are engaged
18 in commerce or the production of goods for commerce, or who are employed in an
19 enterprise engaged in commerce or in the production of goods for commerce, within the
20 meaning of the FLSA, for workweeks longer than forty hours, unless such employee
21 receives compensation for his or her employment in excess of forty hours at a rate not
22 less than one and one-half times the regular rates at which he or she is employed.

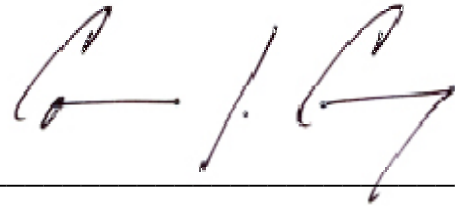
23
24 3. Defendants shall not fail to make, keep, make available to authorized agents of the
25 Secretary of Labor, United States Department of Labor, for inspection, transcription,
26 and/or copying, upon their demand for such access, and preserve records of employees
27 and of the wages, hours, and other conditions and practices of employment maintained, as
28 prescribed by regulations issued, and from time to time amended, pursuant to Sections

1 11(c) and 15(a)(5) of the FLSA, 29 U.S.C. §§ 211(c) and 215(a)(5), and the
2 implementing regulations found in Title 29 of the Code of Federal Regulations, Part 516.

3
4 4. Defendants shall not, contrary to Section 15(a)(1) of the FLSA, 29 U.S.C. §
5 215(a)(1), transport, offer for transportation, ship, deliver, or sell in commerce (or ship,
6 deliver, or sell with knowledge or reason to believe that shipment, delivery, or sale in
7 commerce is intended) goods in the production of which any employee has been
8 employed in violation of the FLSA's minimum wage provisions (29 U.S.C. § 206) or
9 overtime pay provisions (29 U.S.C. § 207).

10
11 Plaintiff shall recover her costs.

12
13 DATED: July 8, 2010

A handwritten signature in dark ink, appearing to read 'C. J. Carney', is written above a horizontal line.

14
15 CORMAC J. CARNEY